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**PATENT**

2004 DEC 23 PM 3:10

**Attorney Docket No.: 678-475 (P9174)**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANTS:** LIM, Chae-Man                      **GROUP ART UNIT:** 2666  
**SERIAL NO.:** 09/558,237                      **EXAMINER:** HARPER, Kevin C  
**FILED:** April 24, 2000                      **DATED:** December 16, 2004  
**FOR:** **CELL SEARCH APPARATUS AND METHOD IN CDMA MOBILE  
COMMUNICATION SYSTEM**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attention: Refund Section  
Accounting Division  
Office of Finance

**REQUEST FOR REFUND**

Sir:

**I. REFUND REQUEST**

This is a request for a refund with respect to a payment for a third month extension of time incurred because of a delay that is believe to have been caused by the U.S. Patent and Trademark Office with respect to the above-identified application.

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth immediately below.

Dated: December 16, 2004

  
\_\_\_\_\_  
Michael J. Musella

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**II. FEES CHARGED FOR WHICH REFUND IS REQUESTED**

**AMOUNT OF REFUND REQUESTED**

- ☐ filing fee
- ☐ surcharge for filing the basic filing fee on a date later  
than the filing date of the application (37 C.F.R. §1.16(e)  
and/or
- ☐ surcharge for filing the oath or declaration on a date later  
than the filing date of the application (37 C.F.R. §1.16(e)
- ☐ extension of term
- ☐ first month
- ☐ second month
- ☒ third month \$ 550.00
- ☐ fourth month
- ☐ excess claims
- ☐ issue fee
- ☐ petition fee
- ☐ patent maintenance fee
- ☐ first maintenance fee
- ☐ second maintenance fee
- ☐ third maintenance fee
- ☐ patent maintenance fee surcharge
- ☐ other Notice of Appeal

**TOTAL REFUND REQUESTED** \$ 550.00

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### **III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR**

An Office Action marked "Final" by the Examiner was mailed on May 5, 2004. On August 4, 2004 a Response to the Office Action was filed, and received by the U.S. Patent and Trademark Office (the Office) on August 10, 2004 as evidenced by the return postcard attached hereto. On October 27, 2004 an interview was conducted with the Examiner regarding the status of the application during which the Examiner stated that the file was delayed in the imaging department. On November 2, 2004 an Advisory Action was mailed. On November 5, 2004 an Request for Continued Examination and a Petition for Extension of Time of three months was filed, along with the required fees.

It is respectfully submitted that if not for the delay of the Patent Office, the fee for the Third Month Extension of Time of \$550.00 would not have been incurred by the applicant.

Since the Response to the "Final" Office Action was received at the Office on August 10, 2004, an Office Communication should have been issued by September 10, 2004. The delay of more than one month, i.e. September 10, 2004 to October 27, 2004, was directly caused by the Office, and in turn caused the Applicant to incur the costs associated with the third month extension of time, namely \$550.00.

Due to the delay of the issuance of the Advisory Action by the U.S. Patent and Trademark Office, a payment of the third month extension of time for a total of \$550.00 was required.

### **IV. MANNER OF REFUND**

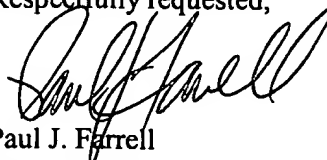
Please make refund by

X crediting Deposit Account No. 04-1121.

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— refunding payment.

Respectfully requested,



Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant(s)

Dated: December 16, 2004

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(516) 228-8484 (tel)  
(516) 228-8516 (fax)  
PJF/MJM/dr

## PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional)  
678-475 (P9174)

In re Application of

LIM, Chae-Man

Application Number

09/558,237

Filed

4/24/2000

For CELL SEARCH APPARATUS AND METHOD IN CDMA  
MOBILE COMMUNICATION SYTEM

Group Art Unit

2666

Examiner

HARPER, K.C.

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- |  |             |
|--|-------------|
| <input type="checkbox"/> One month (37 CFR 1.17(a)(1))               | \$ 110.00   |
| <input type="checkbox"/> Two months (37 CFR 1.17(a)(2))              | \$ 430.00   |
| <input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3)) | \$ 980.00   |
| <input type="checkbox"/> Four months (37 CFR 1.17(a)(4))             | \$ 1,530.00 |
| <input type="checkbox"/> Five months (37 CFR 1.17(a)(5))             | \$ 2,080.00 |

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ \_\_\_\_\_.

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 04-1121

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor

☐ assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a).  
Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

11/5/2004

Adjustment date: 01/31/2005 SDIRETA1  
11/12/2004 EABUBAK1 00000072 09558237  
02 FC:1253 -980.00 OP

Signature

Paul J. Farrell

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of \_\_\_\_\_ forms are submitted.

## CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on.

Dated: November 5, 2004

Michael J. Musella

Repln. Ref: 01/31/2003 SDIRETA1 0011055000  
DAH:041121 Name/Number:09558237  
FC: 9204 \$550.00 CR

11/12/2004 EABUBAK1 00000072 09558237

02 FC:1253

980.00 OP

01/31/2005 SDIRETA1 00000011 09558237

01 FC:1252

430.00 OP

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PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:

1. Amendment Transmittal (in duplicate)
2. Response
3. Drawings (1 page)
4. Return Postcard

All Under Certificate of Mailing

Applicant: LIM, Chae-Man

For: CELL SEARCH APPARATUS AND METHOD IN CDMA  
MOBILE COMMUNICATION SYSTEM

Filed:

April 24, 2000

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